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C O N F I D E N T I A L TEL AVIV 004335

SIPDIS

E.O. 12958: DECL: 07/13/2015

TAGS: PGOV KWBG EG IS GAZA DISENGAGEMENT GOI INTERNAL GOI EXTERNAL

SUBJECT: GAZA DISENGAGEMENT: SHARON INDICATES HE WILL SEEK

KNESSET APPROVAL FOR BORDER DEPLOYMENT TREATY WITH EGYPT

REF: TEL AVIV 4207

Classified By: Deputy Chief of Mission Gene A. Cretz for reasons 1.4 (b ,d).

1. (C) Prime Minister Sharon indicated to the press July 12 that he will seek Knesset approval of an Israeli-Egyptian agreement -- that has not yet been finalized -- allowing some 750 Egyptian border guard soldiers to secure the Egyptian-Gaza border as part of implementing the disengagement plan (reftel). Knesset opponents of the agreement conceded that Sharon can likely expect a Knesset majority in favor of the agreement. Sharon's announcement came the same day that chair of the Knesset's Foreign Affairs and Defense Committee Yuval Steinitz and Labor MK Danny Yatom submitted a petition to the High Court of Justice to compel the GOI to seek Knesset approval of the border deployment agreement. The petition asserts that the agreement represents a material change to the 1973 Israeli-Egyptian peace treaty, thus requiring Knesset approval. A separate and similar petition was filed by right-wing MKs Ariel Eldad, Yitzchak Levy, and Uri Ariel. Eldad told Poloff July 12 that he views the treaty as "dangerous to Israel." The MKs filed the petitions in response to Attorney General Menachem Mazuz's July 6 decision that the agreement would not represent a material change to the 1973 treaty, and therefore would not require Knesset ratification.

2. (C) David Sharan, advisor to Steinitz, told Poloff July 13 that Sharon likely wants to avoid being embarrassed by a High Court decision requiring that he submit the treaty to the Knesset, and is thus trying to preempt such an outcome. When asked about the timing of Knesset consideration of the treaty, Sharan noted that since the GOI and GOE have not yet signed a formal agreement, the matter is not before the Knesset. Ha'aretz reported July 13 that Cabinet Secretary Israel Maimon told Knesset Speaker Reuvin Rivlin July 12 that the matter would be presented to the Knesset after the Cabinet votes on it. It is not yet clear when the agreement will be finalized. Sharan added that until Sharon actually submits the agreement to the Knesset for a vote, Steinitz's petition will remain before the High Court for consideration. Sharan said that the petition will be withdrawn when the matter appears on the Knesset agenda. "Between (Sharon) saying something to the press and that something actually happening, is a small gap," Sharan remarked.

3. (C) Sharan underlined that Steinitz is against the deployment of Egyptian troops near the Philadelphi corridor. He said that he and Steinitz do not believe the Egyptians will effectively prevent weapons smuggling from Egypt into Gaza. Ha'aretz reported July 13 that Steinitz has vowed to work toward assembling a Knesset majority against the agreement. Asked whether the treaty would garner a Knesset majority, however, Sharan assessed that "sadly" it would. Several MKs from various parties told Poloff July 12 that Sharon can likely count on the same Knesset majority that has supported the disengagement plan. Sharan estimated that Sharon could count on a strong majority of some half (20) of Likud's MKs, 21 Labor MKs, 14 Shinui MKs, six Yahad/Meretz MKs, and the eight Israeli-Arab MKs -- 69 of 120 MKs.

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